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3.2 Deputy M.R. Higgins of St. Helier of the Chief Minister regarding the prosecution of cyber-bullies:

Will the Minister advise Members whether the States of Jersey Police have failed to prosecute an alleged cyber-bully who has been making death threats and, if so, would he advise why?

Senator B.I. Le Marquand (Deputy Chief Minister - rapporteur):

Firstly, as the Deputy well knows, the States of Jersey Police do not prosecute anyone. They investigate complaints and, where appropriate, produce a file for a prosecutor to make a decision. Secondly, I have in one case met with the complainant and in the other case exchanged emails with the complainant, and I do not recall anything that could seriously be considered as a death threat. Thirdly, in accordance with my normal practice in such matters I have forwarded the information provided to me on to the police leadership. The complaints are very clearly an operational matter and that is a matter for the States of Jersey Police.

3.2.1 Deputy M.R. Higgins:

A supplementary? I am pleased the Minister mentioned his response to my last question last week, because again I was surprised that he expressed a lack of knowledge of death threats and also attempts to ruin the careers of members of the public, yet he was given not only copies of a blog but also an audio tape of some of the alleged threats. I would ask the Minister first of all why he did not mention this last week in his answer and, secondly, why he does not take it seriously? The police have had this information for quite some time.

The Bailiff:

There you are. Those are your 2 questions, Deputy. Thank you.

Senator B.I. Le Marquand:

That is not fair at all. I always take such matters seriously. In fact I passed it on to police and have monitored the situation to a degree demonstrating I do take it seriously. I am simply saying there was nothing that I heard on the tape or anywhere else that could seriously be considered as death threats. There were other matters. The questions I was asking last week quite frankly did not go into this level of detail.

3.2.2 Deputy J.A. Martin of St. Helier:

This is a bit wider than the question. The question is, and I have asked the Minister before, the Minister now absolutely satisfied that the police and then the Law Officers do have the right powers in law to follow up if this was serious or even cyber-bullying in general? Is the Minister now satisfied?

Senator B.I. Le Marquand:

There is Harassment Law, which can cover this area, and that is what they have to work under, but there is a potential gap, which has been identified some time ago and I have said that it was identified really by the Law Officers. I was initially asked to do some work on it and then subsequently it was taken away from me and went to Economic Development. I have previously said that I regret that, because it would have been a higher priority within the Home Affairs Department than it is within Economic Development, but the proposed amendment falls within a law which is within the E.D.D. (Economic Development Department) arrangements.

3.2.3 Deputy M.R. Higgins:

One of the reasons why I am pursuing this particular matter is that the individual concerned was a star witness in the data protection case against former Senator Stuart Syvret. He has been claiming ever since that he has immunity from his actions. One of the complainants that the Minister is

aware of went to the police station and the police sergeant or the police officer concerned laughed at the complainant and said: “You do not really think anything is going to happen on this?” So when you have the perpetrator of the cyber-bullying attacks claiming he has immunity because of what he did in the past, and when you get police officers laughing at complainants and saying: “You do not really think anything is going to be done?” does the Minister think that is acceptable?

Senator B.I. Le Marquand:

Nobody has immunity in Jersey, not even the Bailiff if he were to transgress the law, which I am sure he does not. Nobody has immunity, not even the Minister for Home Affairs. Any claim of immunity is complete and utter nonsense. I am aware of the allegation that an officer laughed in terms of whether this was sufficiently serious and so on. That is one of the matters that I referred on to the police senior officers in case they considered that that was improper conduct. That is a matter for them and not for me.